



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,632	02/11/2002	Brian C. Tarbox	854737.0005/TARB-101.1	6664
27160	7590	03/01/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 525 WEST MONROE STREET CHICAGO, IL 60661-3693			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10/073,632 2/11/2002 BRIAN C. TARbox 6664

EXAMINER

*E. Colbert*

ART UNIT	PAPER
----------	-------

*3624* 021306

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## DETAILED ACTION

1. Claims 63-70, 72- 81 and 85-87 are pending in this communication of 1/10/06  
Draft of Second Supplemental Amendment.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in **Figure 1**, reference character “12” has been used to designate both “Savings plan Services- accumulation mode” and “Savings Program”; reference character “18” has been used to designate “Investor (including plan participants)” and “individual investors, investor, participant, individual plan participant, and individual plan participant account”; reference character “20” has been used to designate both “Third parties acting on behalf of investor” and “Third party”; reference character “36” has been used to designate both “Annuity and other dispersement (misspelled) mechanisms” and “annuities or other disbursement mechanisms”; reference character “24” has been used to designate “Investment vehicles representing different asset classes including benefit plan investment options” and “Investment vehicles representing different asset classes, investment assets, and underlying instruments”; reference character “22” has been used to designate “Program Operator” and “Program provider, Investment program operator, and program operators”; reference character “142” has been used to designate both “Persons who manage investment vehicles” and “Money managers”; **Figure 2**, reference character “44” has been used to designate both “Indicative database” and “indicative data”; reference character “50” has been used to designate both “Initial allocation” and “accumulation mode”; reference character “54” has been

used to designate both “Inputted data by investor or facilitator” and “additional information inputted”; reference character “26” has been used to designate both “T1 most conservative” and “allocation”; reference character “80” has been used to designate both “facilitator” and “facilitators”; reference character “38” has been used to designate “Independent financial expert” and “Independent Expert” and “Independent Experts”; reference character “84” has been used to designate both “Individual investment policy statement” and “individual policy statement”; reference character “88” has been used to designate both “Facilitator monitor” and “monitoring computer program”; reference character “90” has been used to designate both “reallocation services” and “reallocation of assets”; reference character “86” has been used to designate both “investor contract” and “individual plan participant”; reference character “92” has been used to designate both “rebalancing services” and “program rebalanced”; reference character “144” has been used to designate both “Financial intermediarie” and “financial intermediary”; **Figure 3**, reference character “144” has been used to designate both “Financial intermediarie” and “financial intermediary”; **Figure 5**, reference character “108” has been used to designate both “Databas e servers” and “data storage unit”; reference character “106” has been used to designate both “web serv R” and “Applicatio N server”; reference character “108” has been used to designate both “database servers” and “Application Servers”; reference character “18” has been used to designate both “invertor” and “investor”.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show in **Figure 2**, “18a-18c”; **Figure 3**, “Party 106” or “Program Operator 106” as described in

the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in **Figure 2**, reference characters "94" and "92" have both been used to designate "disbursement services". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Specification***

3. The Specification is objected to because It is unclear in portions of the Specification which drawing figure is being described. Page 15, line 9 recites "becomes less aggressive". This line should recite "become less aggressive". Page 16, line 31 recites "Such an new and innovative ...". This line would be better recited "Such a new and innovative ...". Page 17, line 25 has a similar problem. Page 17, line 27 recites "function, which would be significant improvement ...". This line would be better recited as "function, which would be a significant improvement ...". Page 27, line 16 reads "... allocations 26, 28, 30, 32, 34". This line would be better read "... allocations 26, 28, 30, 32, and 34". Lines 19, 27, and 32 have a similar problem. Page 27, line 18 recites "... that my be used to". This line would be better recited "... that may be used to". Page 28, lines 3 and 4 recite "... the services 12, 14, 16 offered under the investment

program 10". These lines would be better recited as "... the services 12, 14, and 16 offered under investment program 10". Page 28, lines 13, 23, 25, 26, 28, and 31; page 29, lines 4, 5, 28, 29, and 31; page 30, lines 14, 19, and 22; page 31, line 12; page 32, lines 2, 11, 12, 23, and 25; page 33, line 30; page 34, lines 21 and 26; page 35, line 24; page 36, lines 3, 7, 13, 23, and 26; page 39, lines 1, 4, 12, 15, 16, 20, 26, and 27; page 40, line 6 and page 41, lines 20 and 27 have a similar problem. Page 29, line 10 recites "..., indicative data 44 ...". This line would be better recited as "... indicative database 44 ..." to be in agreement with the text on the drawing figure for element "44". Page 31, line 16; page 34, lines 8 and 14; page 38, line 28; and page 39, line 10 have a similar problem. Page 29, line 24 recites "... inputting 54 on behalf of the". This line would be better recited as "... inputting data 54 on behalf of the" to be in agreement with the drawing figure element "54". Page 30, line 9 recites "... savings program at 78,". This line would be better recited "... savings deferral program at 78". Line 17 recites "minimum requirement at 46 as solely determined ...". This line would be better recited "minimum data requirement at 46 as solely determined ...". Page 32, line 21 recites "10, the Expert 38 will be generally independent ...". This line would be better recited "10, the Independent Expert 38 will be generally independent ...". Page 34, line 10 has a similar problem. Page 32, line 11 recites "plan participant's account 18, 18a, 18b, 18c to be disposed of and acquired by the". This line should identify that "18, 18a, 18b, and 18c" are in figure 3 since figure 2 is being described and the elements should be written as "18, 18a, 18b, and 18c". Page 35, line 3 recites "by Independent Expert 38, ...". Throughout the Specification "Independent Expert 38" has been referenced. Should

this be "Independent Expert 38" in order to maintain consistency? Page 36, line 3 recites "... plan sponsor 100, 102, 104 ...". This line should read "100, 102, and 104" and also identify that "100, 102, and 104" are in figure 4. Page 37, line 3 recites "Expert 38, ...". This line would be better recited "Independent Expert 38, ...". Page 39, line 22 recites "... net" and aggregates transactions across". This line would be better recited as "... net" and aggregate transactions across". Element "98" in Figure 3 is not mentioned in the Specification. Element "150" in Figure 4 and elements 114, 128, 132, 138, 130, 136, 80, 134, 110, and 116" in Figure 5 cannot be found in the Specification in the description of these figures. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: Claim 1, page 3, line 4 and line 12 of the Second Supplemental Amendment submitted 1/10/06 recites the term "... substantially". Claims 73 and 76 have a similar problem. The "substantially" is questionable in the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, page 3, lines 3 and 11 recites "methodologies and parameters". This limitation cannot be determined from reading the Specification what

is considered to be the "methodologies" and what is considered to be the "parameters". Page 8, line 12 recites "methodology". It is unclear from the claim language and the Specification what the "methodology" is that is being applied. Clarification in the claim language is respectfully requested and identification in the Specification stating, for example, "the methodologies are ..." and "the parameters are ...".

### **Inquiries**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert  
Primary Examiner  
February 13, 2006